

REMARKS

Claims 30-34, 36, 54, 55 and 57-59 are the currently active claims pending in the application. Claims 1 – 29, 35 and 56 have been cancelled, and claims 37 – 53 and 60 – 75 have been withdrawn in response to a series of restriction/election requirements.

The previous rejections of record have been withdrawn by the Examiner in favor of a new set of rejections based primarily upon DiGiovanni, USP 5,237,576. Claims 30, 54 and 57 have been rejected under 35 U.S.C. § 102 as being anticipated by DiGiovanni, while claims 31, 32, 58 and 59 have been rejected over the combination of Digiovanni with Takara USP 5,646,774. Claims 33, 36 and 55 have been acknowledged as containing allowable subject matter.

These rejections are respectfully traversed.

The Examiner's entire argument with respect to DiGiovanni is based upon inherency. However, the Examiner's assumptions underlying the inherency claim are fundamentally flawed. First, DiGiovanni does not disclose a short-pulse laser or in fact a pulse laser of any description. Instead, it discloses a continuous wave (CW) laser. Therefore, the DiGiovanni laser *does not have a repetition rate*. Since it is lacking in any repetition rate to be stabilized, it is mere fallacy to state that DiGiovanni's repetition rate is "inherently stabilized".

Secondly, it is similarly erroneous to state that DiGiovanni discloses a temperature-controlled enclosure. DiGiovanni in fact discloses *no form of temperature control whatsoever*. The Examiner states that it is inherent that DiGiovanni's compact packaging (apparently a straw – shaped enclosure of 5 cm length or less) makes that laser immune to temperature fluctuations.

This argument is devoid of merit, as can be simply demonstrated by taking two typical glass-enclosed thermometers, placing one outside your home, leaving the other inside your home, turning off the heat in your home, and observing which of the two thermometers responds more quickly to the outside ambient temperature. Stated differently, the more compact the enclosure, the more quickly heat transfer will be effected with the ambient, and the *less stable* the internal temperature will be, in general. Thus, there is no logic in the Examiner's statement that a more compact enclosure results in greater immunity to ambient temperature fluctuations. The reverse is obviously the case.

In view of the above, it is Applicant's position that DiGiovanni fails to disclose, suggest or inherently include *any* of the relevant claimed features of claims 30, 54 or 57. Thus, the Examiner's anticipation rejection clearly fails.

With respect to the Examiner's combination under 35 U.S.C. § 103, there would be no point in spooling the fiber in DiGiovanni, or in adding additional components to control repetition rate when *DiGiovanni does not have a repetition rate*. Therefore, this rejection similarly fails, and the teachings of Takara are simply irrelevant to those of DiGiovanni.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/050,716

A8287

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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